

FREDRICK JAMES DAVIS,)
)
 Plaintiff,)
)
 vs.) Case No. 4:09-CV-1045 CDP
)
 ROBERT SMITH,)
)
 Defendant.)

This matter is before the Court on plaintiff's motion to proceed in forma pauperis on appeal [Doc. #11]. Plaintiff may not proceed in forma pauperis on appeal because he has incurred more than three strikes¹ under 28 U.S.C. § 1915(g). As a result, the Court will deny the motion and direct plaintiff to pay the appellate filing fee.

IT IS HEREBY ORDERED that within thirty (30) days from the date of this order, plaintiff shall pay to this Court the full \$455 filing and docketing fees for filing an appeal. Plaintiff is instructed to make his remittance payable to “Clerk, United States District Court,” and to include upon it: (1) his name; (2) his prison

¹ Davis v. State of Missouri, Case No. 4:08-CV-1481 DDN (E.D. Mo.); Davis v. State of Missouri, Case No. 4:08-CV-1927 CAS (E.D. Mo.); Davis v. Mitchell, Case No. 4:09-CV-439 RWS (E.D. Mo.).

identification number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

IT IS FURTHER ORDERED that plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 26th Day of August, 2009.


UNITED STATES DISTRICT JUDGE